HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 30721 of 1997

DATED: 12-04-2007

Between;-

Shaik Mustafa s/olate Shaik Razak, aged 22 years, resident of Hukampeta, Hukumpeta Mmandalm, Visakhapatnam District.

..PETITIONER

And

APSE Board represented by its Secretary, Vidyut Soudha, Hyderabad and two others.

..RESPONDENTS

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O R D E R

The petitioner seeks appointment on compassionate grounds. The petitioner's father expired on 28.07.1990. The deceased's widow submitted a representation on 28.07.1994 requesting that her son, the petitioner, be appointed on compassionate grounds. In reply thereto, the respondents informed that the petitioner's case was considered by the Board and, vide memo dated 07.06.1993, it was held that minor children be allowed two years time from the date of demise of the employee to become eligible for employment and, as the petitioner herein was 13 years old at the time of his father's death, he was not eligible for appointment on compassionate grounds.

While emphasising that the respondent-board had erroneously concluded that he was 13 years at the time of his father's demise, petitioner contends that his date of birth, as per his matriculation certificate, is 29.03.1975. Even if this submission of the petitioner is to be accepted he was 15 years and 4 months old on the date of his father's death. Compassionate appointments can be made only if the

persons claiming such appointment was eligible within two years of the demise of the employee of the Board. The minimum age for appointment in the Board is 18 years. Adding 2 years to the age of the petitioner on the date of his father's death i.e. 15 years and 4 months, we arrive at an age of 17 years 4 months which is also less the minimum age limit of 18 years for employment in the board.

Sri P.B. Vijay Kumar, learned counsel for the petitioner, would however contend that the respondents had rejected the petitioner's case, vide proceedings dated 20.01.1997, also on the ground that in the legal heir certificate the petitioner's name was shown as 'Mustakhee' instead of 'Mustafa' and his father's name was also shown as 'Shaik Razak' instead of 'Abdul Razak' . Learned counsel would contend that this conclusion of the Board with regard to the legal heir certificate is erroneous. Even if this contention urged by Sri P.B. Vijay Kumar were to be accepted, the fact remains that the petitioner, on his own admission, was not entitled for being appointed on compassionate grounds since he did not fulfill the age criteria prescribed for appointment on compassionate grounds. It is well settled that no Mandamus can be issued by this Court directing the respondents to appoint the petitioner on compassionate grounds nor is it within its purview to prescribe any conditions other than those prescribed in the scheme for appointment on compassionate grounds. Since the scheme of appointment on compassionate grounds as

prescribed by the respondent-board, provides a two year period for a minor to become eligible for appointment and, since the petitioner did not satisfy the minimum age requirement even after two years, the action of the respondents in denying him appointment on compassionate grounds cannot be faulted. The writ petition fails and is accordingly dismissed. No costs.

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RAMESH RANGANATHAN,J

Dated: 12-04-2007
vp